

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

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ePLUS, INC.,

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Plaintiff;

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v.

CIVIL ACTION
3:05CV281

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SAP AMERICA, INC., et al.

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Defendants.

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JURY TRIAL - VOLUME I

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March 28, 2006
Richmond, Virginia
10:00 a.m.

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14

AND A JURY

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BEFORE: HONORABLE JAMES R. SPENCER
United States District Judge

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APPEARANCES: JENNIFER A. ALBERT, ESQ.
THOMAS J. CAWLEY, ESQ.
MAYA M. ECKSTEIN, ESQ.
SCOTT L. ROBERTSON, ESQ.

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Counsel for Plaintiff;

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LLOYD R. DAY, JR., ESQ.
ROBERT GALVIN, ESQ.
DABNEY J. CARR, IV, ESQ.
ROBERT A. ANGLE, ESQ.

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Counsel for Defendants.

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JEFFREY B. KULL
OFFICIAL COURT REPORTER

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P-R-O-C-E-E-D-I-N-G-S

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THE CLERK: Case Number 05CV281: EPlus,
Inc. versus SAP America, Inc. Mr. Scott L. Robertson,
Mr. Thomas J. Cawley, Ms. Maya M. Eckstein, and Ms.
Jennifer A. Albert represent the plaintiff. Mr. Lloyd
R. Day, Jr., Mr. Robert Galvin, Mr. Dabney Jefferson
Carr, IV, and Mr. Robert A. Angle represent the
defendant. Are counsel ready to proceed?

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MR. DAY: Yes, Your Honor.

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MR. ROBERTSON: Plaintiff is ready, Your
Honor.

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THE COURT: All right. I just want to check
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13 and see if we had any preliminary matters before I
14 bring in the jury.

15 MR. ROBERTSON: Yes, Your Honor, if we
16 could. Just a few housekeeping matters which I would
17 like to address. I understand that the Court has
18 bifurcated the case and has allotted us 12 days to do
19 the trial. I would assume that under the bifurcation,
20 we should allot a portion of those 12 days should we
21 need them after the liability phase is completed to
22 damages and its willfulness issue. I was wondering how
23 the Court intended to allot that time. That is, does
24 the Court intend to submit the liability case to the
25 jury at the close of our evidence, have them render a

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01 verdict, if they find liability, then we would start
02 with the damages and the willfulness phase of the case?
03 Is that what the Court contemplates?

04 THE COURT: That's how I plan to do it.

05 MR. ROBERTSON: Should we then take those 12
06 days and allot, I would imagine that the damages and
07 willfulness case would take at a minimum two days given
08 the witnesses that we need to put on for damages. We
09 have two damages experts, as the Court is aware,
10 probably several lay witnesses. I think it would be
11 brief, but I think it would take two full days. Should
12 we contemplate that we have ten days to put on our
13 evidence?

14 THE COURT: I hope it takes six days. The
15 way it is going to work is, whatever is necessary for
16 both sides to put on their full cases, with the Court
17 pushing you along, and whether that's six days, eight
18 days, or ten days, whatever will be will be. And after
19 that you will have sufficient time to do your damages.
20 I'm hopeful that we can get this in quicker than the 12
21 days. But sometimes it goes longer than 12 days.

22 MR. ROBERTSON: Fair enough. Our concern is
23 that we put our case on in, say, four days and then the
24 defendants take ten, 12, 15 days, whatever it is, to
25 put their case on.

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01 THE COURT: It would never happen.

02 MR. ROBERTSON: I was just hoping we would
03 have some sort of equal allotment of time to present
04 our cases.

05 THE COURT: No, I'm not going to do that.
06 But I guarantee you, if you are finished in four days,
07 we won't be here ten more days.

08 MR. ROBERTSON: I understand, Your Honor.
09 One last housekeeping matter, Your Honor. The
10 plaintiffs would like to invoke the Federal Rule of
11 Evidence 615 with respect to the exclusion of lay
12 witnesses.

13 THE COURT: Oh, sure.

14 MR. ROBERTSON: Thank you.

15 THE COURT: Absolutely. Mr. Day?

16 MR. DAY: I just have one housekeeping
17 matter, and that is that we have one witness, a local
18 witness, who is scheduled or was scheduled for a
19 vacation, and her daughter has already left. And she
20 has to leave on April 7th. April 7th is the last day
21 she could be in Court. And I just wanted to bring that
22 to the Court's attention because I've requested
23 cooperation from opposing counsel that if the need

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24 arises to take her out of order, that perhaps we could
25 accommodate her schedule.

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01 THE COURT: Sure. That will be no problem.

02 MR. DAY: Thank you very much, Your Honor.

03 THE COURT: All right. All of those folk who

04 are presently in Court who anticipate being called as

05 witnesses in this matter will have to leave to await

06 their call. This does not apply to the experts. We

07 will allow them to sit through the entire proceedings,

08 but any other witnesses will have to leave the

09 courtroom to await their call.

10 MR. ROBERTSON: Your Honor, with the

11 exception of our corporate representative for both

12 sides?

13 THE COURT: Sure.

14 All right, let's bring in the jury, please.

15 (The venire entered the courtroom.)

16 You all can go ahead and have a seat. All right,

17 Madam Clerk, would you call the roll, please?

18 THE CLERK: Jurors, as I call your name,

19 please stand, answer present, and then be seated.

20 Bonita Faye Abernathy.

21 Present.

22 Richard Dunn Ballou.

23 Present.

24 John Lawrence Bryant.

25 Present.

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01 Towanda Juanita Carney.

02 Present.

03 Jerry Wayne Childs, Jr.

04 Present.

05 Felicia Danette Crenshaw.

06 Present.

07 Ross Marcus Dangler.

08 Present.

09 Jessie Yolanda Davis.

10 Present.

11 Danella Marlene Divens.

12 Present.

13 Lula C. Ferrell.

14 Present.

15 Eugene Joseph Fortin.

16 Present.

17 Edward Lee Gholson.

18 Present.

19 William Stuart Gitchell.

20 Present.

21 Anna Sharon Hamlet.

22 Present.

23 Deborah Owen Heverman.

24 Present.

25 Marcia Moorefield Holloway.

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01 Present.

02 James Robert Johnson, III.

03 Present.

04 Gloria Johnson Kenney.

05 Present.

06 Lucus Allen Killmeier.

07 Present.

08 Brenda Kathleen Martin.